

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAW FAMILY ARCHIVES, LTD., EDITH MARCUS,
and META STEVENS,

Plaintiffs,

-against-

CMG WORLDWIDE, INC., an Indiana Corporation
and MARILYN MONROE, LLC, a Delaware
Limited Liability Company,

Defendants.

ECF CASE

Index No. 05 CV 3939 (CM)

NOTICE OF CROSS-MOTION

To: Paula Colbath, Esq.
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PLEASE TAKE NOTICE, that, upon the Memorandum of Law in Support of Plaintiffs' Cross-Motion for an Order of Preclusion and the Second Declaration of David Marcus, with attached exhibits, dated March 4, 2008, Plaintiffs, by their undersigned attorneys, will move this Court, in the Courtroom of the Honorable Colleen McMahon, United States District Judge, United States Courthouse, 500 Pearl Street, New York, New York, 10007, at a time and date to be determined by the Court, for an order that the Defendants are precluded from asserting Count

I of their Third Amended Complaint on summary judgment and at trial, and for sanctions pursuant to Fed. R. Civ. P. 37 and the Court's inherent authority, and for other relief that the court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on counsel for Plaintiffs pursuant to Court Ordered Stipulation.

Dated: New York, New York
March 4, 2008

Respectfully Submitted,

By: /s/ _____
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David Marcus
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